

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re: Application of ROQUINY

MAR 10 2006

Application No. 10/532,018

Group: 3637

Date Filed: April 20, 2005

Examiner:

For: ELECTRICALLY HEATABLE SOLAR REFLECTIVE COATED GLAZING WITH  
WINDOWS IN COATING CONFIGURED, SHAPED AND DIMENSIONED IN SUCH  
A WAY AS TO MINIMIZE INHOMOGENEOUS HEATING

Certificate of Transmission/Mailing

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with the U.S. Postal Service in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450 on 3/10/06

  
Jerold I. Schneider, Registration No. 24,765

TRANSMITTAL

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

Enclosed for filing please find the following:

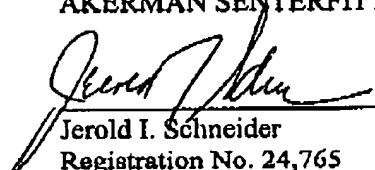
- Request for Reconsideration;

Although no fee is believed to be due, the Commissioner is hereby authorized to charge any  
underpayment to Deposit Account No. 50-0951. This Transmittal is submitted in duplicate.

Respectfully submitted,

AKERMAN SENTERFITT

Date: 3/10/06

  
Jerold I. Schneider  
Registration No. 24,765  
P.O. Box 3188  
West Palm Beach, FL 33402-3188  
Tel: 561-653-5000

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VA 22313-1450 on 3/10/06

  
Gerald I. Schneider, Registration No. 24,765REQUEST FOR RECONSIDERATION

Attn: Office of PCT Legal Administration  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

This is in response to the Decision, mailed 24 January 2006, in response to Applicant's Response to Notification of Missing Requirements filed 21 November 2005. The last sentence of the Decision under the heading "DISCUSSION" states "The purported unambiguous notation of the international application number was not present at the time the declaration was filed". It is submitted that a significant fact may have been overlooked in the Decision, because while the original declaration was unsigned, the "unambiguous notation of the international application number was present at the time the declaration was signed and filed".

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It is submitted that significant facts may have been overlooked in the Decision, and these are presented below.

#### RECAP OF FACTS

1. The PCT application was initially filed electronically at the European Patent Office on 22 October 2003 and assigned application PCT/EP03/50745.
2. The "declaration" filed electronically (unsigned) refers to the application of which it forms a part as noted in the "Discussion" section of the Decision of 24 January 2006.
3. The Decision correctly notes in the Discussion section that the signed Declaration was filed on a later date than the international filing date. In fact the Declaration was signed on 26 November 2003.
4. Page 6 of the initial PCT Request contains the inventor declaration language which complies with U.S. requirements.

#### FACTS BELIEVED TO HAVE BEEN OVERLOOKED

What appears to have been overlooked is the procedure employed at the EPO and Applicant's response to that procedure and the attachment to Applicant's response to the Notification of Missing Requirements.

5. When a PCT application is filed on-line at the EPO, Applicant receives back a copy of the PCT request (including Page 6 which contains the inventor declaration) with the unique, unambiguous notation of the international application (PCT/EP03/50745) stamped or imprinted at the top of the page(s) of the Request. (This is referred to below as the "stamped" copy.)
6. It was on page 6 of this "stamped copy" that the inventor thereafter actually signed the declaration on 26 November 2003. (The "signed declaration" page.)

7. The "signed declaration" page refers to the international application by its unambiguous, unique, number or notation which is stamped or imprinted at the top of the page in the margin – the international application notation having been stamped thereon by the EPO in its capacity as the Receiving Office for the International Application.

8. The "signed declaration" page (which included the unambiguous, unique, notation of the international application number stamped in the top margin thereof) was then filed at the EPO.

9. A copy of the "signed declaration" page, which unambiguously refers to the international application by its unique notation of the international number stamped in the top margin thereof as noted in the preceding paragraphs, was included when this application entered the U.S. National stage on 20 April 2005 (even though such copy should have been unnecessary since a signed copy of the Declaration was already on file at the International Bureau).

10. A further copy of the "signed declaration" page, which unambiguously refers to the international application by its unique notation of the international number stamped in the top margin thereof, was included as the last page of Applicant's "Response to Notification of Missing Requirements" filed 21 November 2005.

11. Thus independent of paragraph 8 above, a copy of the signed declaration page which unambiguously refers to the international application by its unique number, was submitted to the USPTO at the time Applicant entered the U.S. National Stage.

It is believed that the USPTO may have overlooked the fact that the unique international application number was stamped in the top margin of the same page which was thereafter signed by the inventor. It is believed that the USPTO has overlooked this fact since the Decision (last sentence under the heading "Discussion") incorrectly states that: "The purported unambiguous

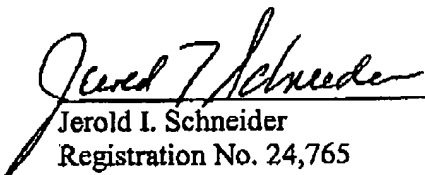
notation of the international application number was not present at the time the declaration was filed". In fact, the "unambiguous notation of the international application number was present at the time the declaration was signed and filed".

In view of the foregoing, Applicant requests reconsideration of the Decision on the Response to Notification of Missing Requirements.

Respectfully submitted,

AKERMAN SENTERFITT

Date: 3/10/06

  
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